

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
MAY 6, 2015

NOTE: The Public Session was called to order at 10:00 A.M. by President, Shirley Birenz, RDH.

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Shirley Birenz, RDH; Emil Cappetta, DDS; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Steven Goldstein, DDS; Roger Kriete, DMD; Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorneys General Miller and Oo; Cecilia Moreira, Senior Management Assistant; Executive Director Jonathan Eisenmenger

ABSENT: Elizabeth Clemente, DDS; Peter Clemente, DMD; Beverly Kupiec, PhD, RN

I. APPROVAL OF MINUTES: April 15, 2015 - Approved as amended.

II. COMMITTEE REPORTS:

A. Applications:

1. Dr. Melvyn Oppenheim - Application for a dental license. Dr. Oppenheim took the New York State Exam in 1968. The Board in a motion by Dr. Cappetta, seconded by Dr. DeRobertis, approved this application.
2. Dr. Cyndi T. Nguyen - Application for a dental license. Dr. Nguyen took the Louisiana specific clinical exam. The Board is questioning whether the exam contained equivalent clinical portions in periodontics. The Board in a motion by Dr. Cappetta, seconded by Dr. Goldstein, requested the Dr. Nguyen provide proof that the periodontal sections of the exam contained both clinical and didactic sections. If not, Dr. Nguyen will have to take and pass the hands-on periodontal portion of the ADEX exam, and complete the Law and Jurisprudence exam.
3. Dr. Francine Estrada (Hand-out) - Application for a dental license. Dr. Estrada took the WREB exam in May 2006. She achieved a passing rate of more than 75% in each section, which would qualify her scores as substantially equivalent to the ADEX exam. The Board in a motion by Dr. Kriete, seconded by Dr. Cappetta, approved this application.

The Board requested that the Executive Director contact WREB for an explanation of the different submissions sent to the Board for Dr. Estrada.

4. Dr. Mark Birner (Hand-out) - The Board office obtained additional information from NERB and CRDTS to determine whether the exam taken by Dr. Birner is equivalent. This matter was referred to a committee of the Board for review (Dr. Cappetta) and report back to the Board.

5. Dr. Rakhee Patel (Hand-out) - The Board reviewed an inquiry from Dr. Patel. Dr. Patel states she took the WREB exam in 2012 and is questioning whether she needs to take the NERB, or wait five years to apply through endorsement. Also, if she needs five years of experience does her residency count towards the five years?

The Board determined that she must submit an application with all supporting documents for review by the Board. The requirement that she practice in one jurisdiction for five years immediately preceding her application was changed as of July 1, 2014.

B. Continuing Education:

1. DOCS Education - Application for re-approval of the 20 hour course for renewal of parenteral conscious sedation permit holders.
The Board requested that justification be obtained for the number of hours listed for this course. The Board further noted that the 20 hours required for renewal need not be taken in the one course NJAC 13:30-8.2(l).
2. DentalSpa Seminars - Request for approval of a Botox 21 hour course to be held at the New Jersey Health Professionals Development Institute.
The Board denied this request indicating that per Board regulation, 13:30-8.4A(d), the course must be held at an accredited dental school, in a hospital-based program or in a college or university clinical setting. It appears the location presented does not meet the requirements.
3. Remedial continuing education - One course was approved.

The Board in a motion by Dr. Cappetta, seconded by Dr. Battaglia, approved the continuing education committee report.

III. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:

1. Dr. Andrew Cho - Moved to executive session for discussion.
Upon return to public session, the Board determined that additional information be obtained.
2. Dr. Navpreet Sekhon - Moved to executive session.
Upon return to public session, the Board received this report as informational.
3. Dr. Nilesh R. Patel - Moved to executive session.
Upon return to public session, the Board determined that additional information be obtained.

Additional information requested (Moved from Executive Session):

1. Dr. Elon T. Elisha - The Board reviewed additional information requested at the November 5, 2014 meeting. The Board took this as informational.
2. Dr. Christina Lee - The Board reviewed additional information requested at the

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3. Dr. Michelle Mirza (2 reports) - The Board reviewed additional information requested at the November 5, 2014 meeting. The Board took this as informational.
4. Dr. Jason Slomovitz - The Board reviewed additional information requested at the November 5, 2014 meeting. The Board took this as informational.

IV. REQUEST FOR APPEARANCE FOLLOWING DISCIPLINARY ACTION:

1. Dr. Jack M. Gelb - Request for appearance in connection with the Consent Order filed by the Board on December 18, 2014. Moved to executive session for discussion. Upon return to public session, the Board determined to schedule an appearance for the fall of 2015.

V. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED:

1. Dr. Michael Jefferson - The Board reviewed the Provisional Order of Discipline filed by the Board on January 21, 2015 along with response from Dr. Jefferson. This matter was moved to executive session for discussion. Upon return to public session, the Board sustained the terms of the Provisional Order and finalized the Order as written. Dr. Jefferson's license will be suspended for 30 days, such suspension to continue until he submits proof of completing the continuing education credits.

VI. ORDERS/SETTLEMENTS FILED WITH THE BOARD:

1. Dr. Ewa Marcinkiewicz-O'Brien - Order reinstating license with restrictions filed by the Board on March 26, 2015. Received as informational.

VII. OTHER MATTERS:

1. The Board reviewed additional information from Louis Malcmacher, DDS, from the American Academy of Facial Esthetics, concerning the course on Botox and dermal fillers. On April 15, 2015, the Board declined to approve the course in an "on-demand" format, believing that a live course is both contemplated by the regulation and is a better format for learners to engage with the topics presented.

The Board also reviewed an attached letter from Dr. Malcmacher concerning whether Botox can be administered in different settings. He described separate clinical scenarios and is looking for guidance as to whether the procedures are permitted. The Board chair directed this matter to be reviewed by a committee, led by Dr. Dolinsky.

(HANDOUT) - The Board reviewed information submitted from Louis Malcmacher, DDS, concerning the bruxism and sleep apnea monitor. Following Dr. Malcmacher's appearance on April 15, 2015, the Board requested information about bruxism monitoring, and bruxism appliances.

The Board president referred this information to the sleep apnea committee for review and consideration.

2. Inquiry from Dr. August D. Pellegrini from Rutgers School of Dental Medicine concerning supervision of dental students. The Dental Practice Act at NJSA 45:6-19(3) lists exemptions for the practice of dentistry to include students in a school or college, under the direction and supervision of a licensed dentist acting as an instructor. The practice of dentistry by dental students requires the faculty member to be a licensed dentist. Physicians, nurse practitioners and/or physician's assistants cannot supervise the dental students during the performance of dental treatment. If Dr. Pellegrini is aware of any federal law that would impact this exemption, he will be asked to provide that information and citation to the Board.
3. (HAND-OUT) - Call for nominations by the American Association of Dental Boards. Received as informational.

VIII. PUBLIC COMMENT

1. Arthur Meisel, Esq., NJDA - Mr. Meisel stated that a member asked him whether it is within the scope of practice for a dentist to administer a vaccination for human papillomavirus (HPV).
The Board asked Mr. Meisel to have the inquiry transmitted to the Board office in writing with additional information so it can properly consider the question.
2. Paul Bent, Esq. - inquired when the Board will begin its review of the regulations prior to sunset. Mr. Bent was encouraged to submit topics and suggestions as they come up so that they may be included during the Board's review.
3. Jean Marie Murray, RDH - from Fine Dental Care in Wayne, NJ (dentist Dr. Bruce Fine). Requested that the Board review new advertisements developed by the practice. The Board referred Ms. Murray to the advertising regulations and suggested she contact the NJDA for their assistance.

IX. ADJOURNMENT: The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.